

Remarks:

The present remarks are in response to the Final Office Action mailed December 3, 2007. Currently, claims 1-43 are pending in the present application. Claims 1-33, 35, 37-41, and 43 have been cancelled previously without prejudice. Claims 34, 36, and 42 remain for consideration, but have been rejected under 35 U.S.C. 103(a). Claims 36 and 42 have been amended only to reflect the cancellation of claim 35, which was incorporated into claim 34. Thus, no new matter has been added.

2. Claims 34, 36 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,046,249 (hereinafter referred to as "Kawara") in view of U.S. Patent No. 5,214,851 (hereinafter referred to as "Althaus"), and further in view of U.S. Patent No. 4,756,082 (hereinafter referred to as "Apprille") and/or U.S. Patent Publication No. 2004/0035003 (hereinafter referred to as "Stiles")

The Examiner notes "Kawara shows a unitary razor body with all of the limitations as seen in figure 9. The flywheel vibration device (150-152) is in proximity to the blade mount (132). The blade is vibrated along its cutting edge (lines 43-45, column 2)." (See the Office Action of December 3, 2007, p. 2). The Examiner further notes that the present invention utilizes a protective sleeve to encase the vibration device, which Kawara does not show. Accordingly, the Examiner notes:

Kawara's motor and eccentric flywheel are mounted directly in the head region instead of having an intermediate sleeve. However, the use of an intermediate sleeve is well known as shown by Althaus (6). It would have been obvious to one of ordinary skill in the art to have sleeved Kawara's motor and eccentric flywheel, as taught by Althaus, in order to provide a sturdier vibration device that is easier to install.

(See the Office Action of December 3, 2007, p. 2). The Examiner further notes:

In regards to the added recitation of there being an angle between the head region and the handle region, Examiner takes official Notice that such a feature is ubiquitous in modern razors. Some examples of this are the references to Apprille and Stiles. Additional references can be supplied if needed. It would have been obvious to one of ordinary skill in the art to have further modified Kawara by angling the head region (30) relative to the handle region (10), as suggested by Apprille and Stiles and dozens of other references, in order to create a concavity on the skin-

facing side of the razor, such that protruding body parts do not interfere with the motion of the handle.

(See the Office Action of December 3, 2007, p. 2).

The Applicant disagrees with the present rejection on the following grounds. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations." (See MPEP 2143).

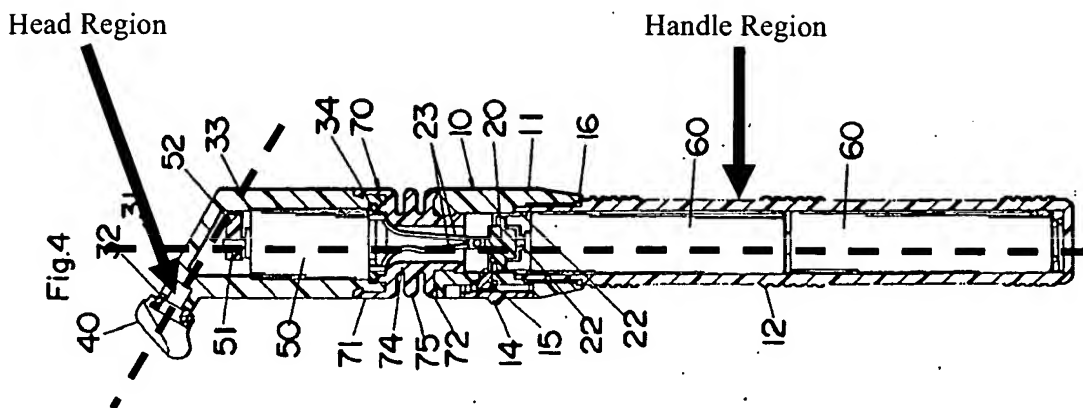
Claim 34 is not made obvious by Kawara. The deficiency in Kawara is not cured by Althaus, nor is it in conjunction with Apprille, Stiles, or any other additional reference in the same vein as Apprille and Stiles.

Claim 34 is reproduced below for convenience:

34. A razor, in particular for wet shaving, comprising:
a unitary body having a handle region, a head region and a neck region located between the handle region and the head region, and
functional components at least partially arranged within the unitary body and comprise an electrically operated vibration device for producing vibrations in the head region and an electrical supply device, having an energy store, for the vibration device, the head region having a holding device for an exchangeable blade element and the vibration device being arranged in the unitary body in proximity of the holding device; wherein
the vibration device comprises a motor with a flywheel arranged eccentrically in relation to an axis of rotation; and
the motor and flywheel are arranged within a protective sleeve, the protective sleeve being substantially enclosed within the head region of the unitary body, the motor and protective sleeve extending along the axis of rotation more than the protective sleeve extends perpendicular to the axis of rotation;
wherein the energy store is at least partially located in the handle region; and
wherein the handle region is angled relative to the head region.

Notably, claim 34 recites that the motor and flywheel are located in the head region, the energy store is at least partially in the handle region, and the handle and head regions are angled relative to one another. This type of set-up provides several advantages not present in the prior art, such as, but not limited to, enabling the designer to have the eccentric rotate about an axis that is not parallel with the length of the handle portion. By varying the angle at which the eccentric rotates, a different vibratory effect can be achieved during shaving. The Applicant further asserts, especially in light of the above, that the addition of the claim term reciting an “angle” is not simply to differentiate from the prior art, but to recite yet another important aspect of the present invention.

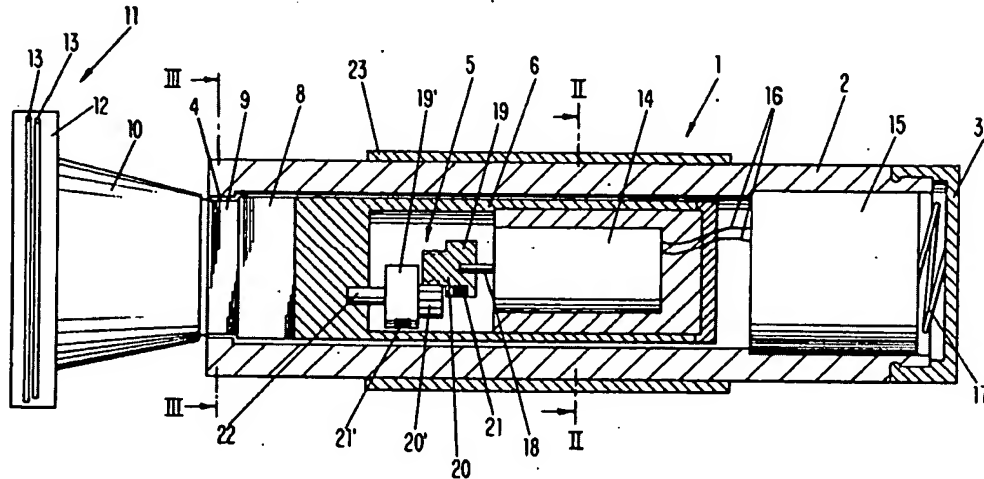
The Kawara reference clearly discloses a handle having a head region and a handle region that are angled relative to one another. A representative figure (FIG. 4 of Kawara) is reproduced below with added reference lines that indicate the angle between the head region and the handle region. Notably, the motor and flywheel are not located in the angled head region. Rather, the motor, flywheel and energy store are all located 1) in-line (relative to one another), and 2) in the handle region. It is unclear to the Applicant how the mere fact that this same feature (*i.e.*, a head region that is angled relative to handle region) is “ubiquitous in modern razors” renders obvious the modification of 1) moving the motor and flywheel of Kawara from the handle region into the head region and 2) angling the motor and flywheel relative to the energy store device. The Applicant asserts that a combination of “modern razors” such as Stiles and Apprille and the Kawara reference would still yield a similar razor handle to that shown in Kawara (*i.e.*, a handle having a battery and energy store that are in-line and located in the handle region).



In addition, the Applicants assert that the justification provided by the Examiner for making such modifications is also misguided. For example, the Examiner alleges that the motor and flywheel would be sleeved in order “to provide a sturdier vibration device that is easier to install” and that one of skill in the art would naturally mount the motor and flywheel into the head region in order “to create a concavity on the skin-facing side of the razor, such that protruding body parts do not interfere with the motion of the handle.” (See the Office Action of December 3, 2007, p. 2, 3). The Applicant respectfully disagrees. The Kawara reference clearly shows a motor and flywheel that are inserted or “slid” into the open end of “shaver head 30.” Therefore, if sleeved, the motor and flywheel would have to be inserted into the shaver head 30 and slid through the angled portion, up into the head region. This type of physical modification is impossible to accomplish without enlarging the head and neck of the Kawara device to a size capable of enabling the sleeve to “make the turn” as it moves through the angled portion of the handle and into the head region. In fact, the Applicant asserts that, despite the lack of any teaching of *why* one of skill in the would re-position the sleeved motor and flywheel into the head region, the necessity to “grow” the size the handle in order to make the insertion of the sleeved motor and flywheel even possible would lead him/her away from such a modification.

It should also be noted that the Althaus device, although it is unclear whether the head region is angled relative to the handle region due to the orientation of the figures, the motor and flywheels are also in-line with the energy store, and the “sleeve” is inserted into the pre-formed

housing (2) during assembly. Therefore, even if an angled head region is utilized in the Althaus device, the sleeved motor and flywheels would still have to navigate through the angled portion in a similar manner as that described above in relation to the Kawara device. A representative figure (FIG. 1 of Althaus) is provided for convenience.



Accordingly, the present invention of claim 34 is not obvious in light of the prior art since it does not disclose each and every claim recitation. As noted above, a razor having at least a motor and flywheel located in the head region that is angled relative to the handle region is not disclosed in the prior art and, for at least the reasons put forth above, it would not be obvious to modify the cited prior art to arrive at such a device. Favorable reconsideration of claim 34 is requested.

Claims 36 and 42 depend from claim 34 and are therefore also not obvious in light of the cited prior art for at least the same reasons stated above in connection with claim 34. Favorable reconsideration of these claims is also respectfully requested.

Summary:

The Applicant has traversed all of the rejections of the Final Office Action through the above remarks. In light of the foregoing, it is respectfully requested that claims 34, 36, and 42 be allowed to issue as a patent.

Please charge the Fees for the Request for Continued Examination (\$ 810.00) and the Request for Extension of Time (\$ 1110.00) to Deposit Account 504112, maintained by the Applicant. If the Examiner has any questions, please feel free to contact the Attorney of Record at the contact information provided below.

Respectfully submitted,

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